

By 

SB. No. 1565

A BILL TO BE ENTITLED

AN ACT

relating to the administration, powers, duties, and operation of the Edwards Aquifer Authority and the management of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.03(20), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(20) "Underground water" means water percolating below the surface of the earth and that is suitable for agriculture, gardening, domestic or stock raising purposes, but does not include defined subterranean streams or the underflow of rivers [~~has--the meaning-assigned-by-Section-52-0017--Water-Code~~].

SECTION 2. Section 1.14(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(b) Except as provided by Subsections (d), (f), and (h) of this section and Section 1.26 of this article, for the period beginning January 1, 2000, and ending December 31, 2007, the amount of permitted withdrawals from the aquifer may not exceed 450,000 acre-feet of water for each calendar year.

SECTION 3. Section 1.15(c), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(c) The authority may issue regular permits, term permits, and emergency permits. The authority shall, in issuing the initial regular permits, reduce to the 450,000 acre-feet per year or other

1 maximum required by this Act the initial regular permits if the
2 maximum beneficial use of water without waste during the historical
3 period exceeds the 450,000 acre-feet per year or other maximum
4 withdrawal limitation required by Section 1.14(b).

5 SECTION 4. Section 1.16, Chapter 626, Acts of the 73rd
6 Legislature, Regular Session, 1993, is amended by amending
7 Subsection (e) and relettering Subsections (f)-(h) to read as
8 follows:

9 (e) To the extent water is available for permitting, the
10 board shall issue the existing user a permit for withdrawal of an
11 amount of water equal to the user's maximum beneficial use of water
12 without waste during any one calendar year of the historical
13 period. An existing irrigation user shall receive an initial
14 regular permit for the user's maximum beneficial use of water
15 without waste, but not less than two acre-feet per year for each
16 acre of land the user actually irrigated in any one calendar year
17 during the historical period. To the extent water is available for
18 permitting, and subject to proportionate reduction in accordance
19 with Subsection (f), the authority shall issue an existing
20 municipal or industrial user a permit for withdrawal of an amount
21 of water equal to the user's maximum beneficial use of water
22 without waste during any one calendar year of the historical
23 period. If a water user does not have historical use for a full
24 year, then the authority shall issue a permit for withdrawal based
25 on an amount of water that would normally be beneficially used
26 without waste for the intended purpose for a calendar year.

27 (f) If the total amount of water [determined--to--have--been

1 ~~beneficially--used-without-waste-under-this-subsection]~~ exceeds the
2 amount of water available for permitting, the authority shall
3 adjust the amount of water authorized for withdrawal under the
4 permits proportionately to meet the amount available for permitting
5 as follows:

6 (1) an [:-An] existing irrigation user shall receive a
7 permit for not less than two acre-feet a year for each acre of land
8 the user actually irrigated in any one calendar year during the
9 historical period; and

10 (2) the authority shall adjust the amount of water
11 authorized for withdrawal for all other [:-An] existing users
12 proportionately to meet the amount of water available for
13 permitting [user-who-has-operated-a-well-for-three--or--more--years
14 during--the--historical--period-shall-receive-a-permit-for-at-least
15 the--average--amount--of--water--withdrawn--annually---during---the
16 historical-period].

17 (g) [f] The board by rule shall consider the equitable
18 treatment of a person whose historic use has been affected by a
19 requirement of or participation in a federal program.

20 (h) [g] The authority shall issue an initial regular
21 permit without a term, and an initial regular permit remains in
22 effect until the permit is abandoned, cancelled, or retired.

23 (i) [h] The board shall notify each permit holder that the
24 permit is subject to limitations as provided by this article.

25 SECTION 5. Section 1.29(e), Chapter 626, Acts of the 73rd
26 Legislature, Regular Session, 1993, is amended to read as follows:

27 (e) In developing an equitable fee structure under this

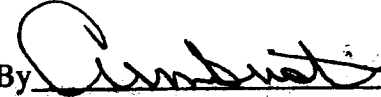
1 section, the authority may establish different fee rates on a per
2 acre-foot basis for different types of use. The fees must be
3 equitable between types of uses. The fee rate for agricultural use
4 shall be based on the volume of water withdrawn for agricultural
5 purposes and may not be more than 20 percent of the fee rate for
6 municipal use. The authority shall assess the fees on the amount
7 of water a permit holder is authorized to withdraw under the
8 permit.

9 SECTION 6. Section 1.31(a), Chapter 626, Acts of the 73rd
10 Legislature, Regular Session, 1993, is amended to read as follows:

11 (a) Not later than December 31, 1999, the [The] owner of a
12 nonexempt well that withdraws water from the aquifer shall install
13 and maintain a measuring device approved by the authority designed
14 to indicate the flow rate and cumulative amount of water withdrawn
15 by that well. This requirement may be waived by the authority on
16 written request by a well owner to use an alternative method of
17 determining the amount of water withdrawn.

18 SECTION 7. The importance of this legislation and the
19 crowded condition of the calendars in both houses create an
20 emergency and an imperative public necessity that the
21 constitutional rule requiring bills to be read on three several
22 days in each house be suspended, and this rule is hereby suspended,
23 and that this Act take effect and be in force from and after its
24 passage, and it is so enacted.

S.B. No. 1565

By 

A BILL TO BE ENTITLED

AN ACT: relating to the administration, powers, duties, and operation of the
Edwards Aquifer Authority and the management of the Edwards Aquifer.

3-12-99
MAR 15 1999

Filed with the Secretary of the Senate

Read and referred to Committee on NATURAL RESOURCES

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ yeas, _____ nays

Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays

Senate and Constitutional 3 Day Rule suspended by a vote of _____ yeas, _____ nays.

Read third time, _____, and passed by: { A viva voce vote
_____ yeas, _____ nays

SECRETARY OF THE SENATE

OTHER ACTION:

_____ Engrossed

_____ Sent to House

Engrossing Clerk _____

_____ Received from the Senate

_____ Read first time and referred to Committee on _____

_____ Reported _____ favorably (as amended) (as substituted)

_____ Sent to Committee on (Calendars) (Local & Consent Calendars)

_____ Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting.

_____ Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Returned to Senate.

_____ Returned from House without amendment.

_____ Returned from House with _____ amendments.

_____ Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

CHIEF CLERK OF THE HOUSE

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays